



Entered on Docket
July 14, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOF OF
CLAIM OF TERRY HANSEN AS FILED
PARTIALLY IN WRONG DEBTOR'S
CASE; OBJECTION OF DTDF TO
PROPOSED ALLOWANCE OF CLAIM**

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Hearing Date: June 26, 2009
Hearing Time: 9:30 a.m.

The Court having considered the "Objection of USACM Trust to Proof of Claim of Terry Hansen As Filed Partially in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of Claim" [Docket No. 7021] (the "Objection"); with appropriate notice of the Objection having been given; with no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Objection to proof of claim 10725-01105 filed by Terry Hansen in the amount of \$105,000.00 is sustained;
2. \$50,000.00 of Hansen's claim against USACM is disallowed on the ground that it is based upon an investment in USA Capital Diversified Trust Deed Fund ("DTDF") and was filed in the wrong debtor case;
3. Any proposed allowance of Hansen's claim in the DTDF case is disallowed;
4. Hansen is allowed to retain an equity interest in DTDF in the amount of \$48,047.32 as reflected in the books and records of DTDF as of April 13, 2006; and
5. Nothing in this order should prejudice the rights of USACM Trust to file further objections to any portion of the claim.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By /s/ John Hinderaker (018024)

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
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